

REMARKS

In the October 30, 2007 Office Action, claims 1-6 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the October 30, 2007 Office Action, Applicants have amended claims 1-6 as indicated above. Thus, claims 1-6 are pending, with claim 1 being the only independent claim. Applicants have amended independent claim 1 to more clearly define the present invention over the prior art. Claims 2-6 have been amended so that the terminology is consistent with independent claim 1, as now amended. Also, claims 2-6 have been amended for correct capitalization of the word "Claim". Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

On pages 2 and 3 of the Office Action, claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,199,854 (Aoyama) in view of U.S. Patent No. 5,228,289 (Norton). In response, Applicants have amended independent claim 1 to more clearly define the present invention over the prior art. Claims 2-6 have been amended so that the terminology is consistent with independent claim 1, as now amended. Also, claims 2-6 have been amended for correct capitalization of the word "Claim".

Independent claim 1 now requires, *inter alia*, the switching of the switching valve from connecting state to disconnecting state is effected based on whether one of the rotational speed of the variable-speed motor and the pressure detected by the pressure sensor has reached a first predetermined set value, while the switching of the switching valve from disconnecting state to connecting state is effected based on whether the other of the rotational speed of the variable-speed motor and the pressure detected by the pressure sensor has reached a second predetermined set value. This arrangement is discussed in paragraphs [0034] and [0036] of the instant application. Clearly this arrangement is *not* disclosed or suggested by the Aoyama patent, the Norton patent or any other prior art of record, whether taken alone or in combination.

Specifically, the Office Action indicates that the Aoyama patent discloses a discharge control valve circuit and a pressure control valve that form a unitary control device. The Office Action acknowledges that the Aoyama patent does not disclose a control device configured to control a variable-speed motor. Since the Aoyama patent fails to disclose a variable speed motor whatsoever, the Aoyama patent cannot disclose or suggest switching of a switching valve between connecting/disconnecting states being effected by the rotational speed of the variable speed motor whatsoever.

The Norton patent is cited for the teaching of a plural pump system with a valve element that controls motor energization in a continuously varying manner. However, in the Norton patent, an electric motor 22, 126 is turned on when the brake pedal is pressed and no power is supplied when the brake pedal is in a free position. See column 9, lines 1-6. Thus, the Norton patent also fails to disclose or suggest switching of a switching valve between connecting/disconnecting states being effected by the rotational speed of the variable speed motor whatsoever. In other words, the Norton patent suffers from the same deficiencies as the Aoyama patent with respect to independent claim 1, as now amended.

Accordingly, even if the variable speed motor of the Norton patent were somehow combined with the hydraulic supply arrangement of the Aoyama patent as suggested in the Office Action, such a hypothetical device would not include all of the features of independent claim 1, as now amended. Therefore, Applicants respectfully request that this rejection of independent claim 1 be withdrawn in view of the above comments and amendments.

Moreover, Applicants believe that the dependent 2-6 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-6 are further allowable because they include additional limitations. In other words, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1 as now amended, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims. Therefore, Applicants respectfully request that this rejection of dependent claims 2-6 be withdrawn in view of the above comments and amendments.

Appl. No. 10/516,912
Amendment dated January 30, 2008
Reply to Office Action of December 6, 2004

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-6 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

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